HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI
AND
HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

Writ Appeal No.368 of 2007

Between:

Koneru Lakshmaiah College of Engineer,
represented by its Chairman, Vijayawada,
Krishna District and another. …Appellants

And

K. Annamma and another. …Respondents

:: J U D G M E N T ::

Counsel for the appellants : Sri M. Sudheer Kumar

Counsel for respondent No.1 : Sri C. Ramachandra Raju

30th April, 2007

Per G.S. Singhvi, C.J.

This appeal is directed against order dated 24-4-2007 passed by the learned Single Judge in WPMP.No.10851 of 2007 in Writ Petition No.8455 of 2007.

In the affidavit filed by her, respondent No.1 – Smt. K. Annamma has prayed for issue of a direction to the Principal, K.L. College of Engineering, Vaddeswaram, Tadepalli Mandal, Guntur District (appellant No.2 herein) to allow her to discharge duties at the college. She has also prayed for staying the operation of order dated 18.04.2007 issued by appellant No.2 for her transfer to administrative office at Vijayawada.

While issuing notice to the non-petitioners (including the appellants herein), the learned Single Judge passed interim order, which reads as under:

"The only grievance of the petitioner is that she is working as Sweeper at Koneru Lakshmaiah College of Engineering, Vaddeswaram, Guntur District. Now vide impugned order, she is transferred to Administrative Office at Vijayawada.

The learned counsel for petitioner stated that the first respondent is supposed to monitor and oversee that the college follows all the regulations as applicable to the College and the transfer is made by the Principal, whereas the Principal has no jurisdiction to pass such an order. The learned counsel further asserted that the petitioner is not relieved from the existing place.

Whereas, the learned counsel for respondents strenuously opposed the writ petition and stated that the very writ petition is not maintainable.

May be, the Principal has no jurisdiction to pass such an order, but it is for the first respondent to examine and pass appropriate orders in this regard. Therefore, the petitioner is directed to file an application in this regard before the first respondent within a period of one week from today. On filing such an application, the first respondent shall call for the records from the Koneru Lakshmaiah College of Engineer and pass appropriate orders as per law. Till such time, the impugned order dated 18-4-2007 issued by second respondent is hereby stayed."

In our opinion, the above reproduced order has the effect of virtually disposing of the main case and this could not have been done by the learned Single Judge without adverting to the factual matrix of the pleadings of the parties and considering the objections raised on behalf of the appellants to the very maintainability of the writ petition.

Hence, the appeal is allowed. The order under challenge is set aside. The main petition be listed for final arguments before the learned Single Judge on June 14, 2007.

As a sequel to disposal of the appeal in the manner indicated above, WAMP.No.696 of 2007 filed by the appellants for interim relief is disposed of as infructuous.

G.S. SINGHVI, C.J.

30th April, 2007

C.V. NAGARJUNA REDDY, J.

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